

AN ACT

ENTITLED, An Act to revise certain provisions relating to child custody.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as follows:

Any person entitled to custody or visitation of a child shall give notice of any proposed relocation of the residence of the child to another state or a distance greater than seventy miles. The notice shall be in writing by certified mail, return receipt requested, to any party that has custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days before the proposed relocation. The notice of the proposed relocation shall include the following information: the city and state to which the relocation is proposed, date of the intended move, reasons for moving, and a proposed visitation schedule.

The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a party entitled to custody or visitation files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. An affidavit setting forth the specific factual basis for prohibiting the relocation shall be attached to the motion. The person seeking the relocation shall respond to the motion within fourteen days, unless the court extends the response time for good cause, and provide a counter affidavit setting forth the facts in support of the relocation and the proposed revised parenting plan for the child.

If relocation is permitted, the court may order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing, and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise.

An Act to revise certain provisions relating to child custody.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1144

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1144

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State